

manages. A Public Official shall not participate in an action relating to the disciplining of a member of the Public Official's family.

(b) Appearances of Conflict

(1) A Public Official shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the Public Official's ability to protect the public interest, or perform public duties, is compromised by familial, personal, or financial interests. An appearance of conflict could exist even in the absence of a true conflict of interest.

(2) A Public Official shall take reasonable and appropriate steps, under the particular circumstances and considering the type of proceeding involved, to remove himself or herself, to the extent necessary to protect the public interest and comply with this Order, from any proceeding in which the Public Official's impartiality might reasonably be questioned due to the Official's familial, personal, or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, (a) an owner, shareholder, partner, employee, agent, officer, or director of a business, organization, or group involved in the proceeding, or (b) an organization or group which has petitioned for rulemaking or has some specific, unique, and substantial interest in the proceeding. "Proceeding" includes, but is not limited to, both quasi-judicial proceedings (like contested case hearings) and quasi-legislative proceedings (like most rulemaking). A "personal relationship" includes, but is not limited to, one in a leadership or policy-making position (such as officers or directors) in a business, organization, or group.

(3) If a Public Official is uncertain whether the relationship in question justifies removing himself or herself from the proceeding pursuant to this subsection, then the Official shall disclose the relationship to the person presiding over the proceeding and seek appropriate guidance. The presiding officer, in consultation with legal counsel if necessary, shall then determine the extent to which, if any, the Public Official will be permitted to participate. If the affected Public Official is the person presiding, then the vice chair or such other substitute presiding officer shall make the determination. A good-faith determination under this subsection of the allowable degree of participation by a Public Official is presumptively valid and only subject to review under Section 8 below upon a clear and convincing showing of mistake, fraud, abuse of discretion, or willful disregard of the provisions of this Order.